

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

MICHAEL JERMAINE GREENE,

Plaintiff,

v.

Civil Action No. 2:20-cv-00496

GOVERNOR JIM JUSTICE,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the court is plaintiff's amended complaint (ECF No. 29), which was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). The magistrate judge filed his PF&R on May 2, 2023 (ECF No. 41), to which no party filed objections.

In his PF&R, the magistrate judge recommended that this court: find that the plaintiff's amended complaint contains no allegation that could plausibly give rise to a present entitlement to relief against the defendant; find that the amended complaint fails to state a federal claim upon which relief can be granted therefore meriting dismissal pursuant to 28 U.S.C. § 1915A(b); decline to exercise supplemental

jurisdiction over plaintiff's state law claims pursuant to 28 U.S.C. § 1367(c)(3); and dismiss this civil action from the docket of the court. See PF&R at 10-11.

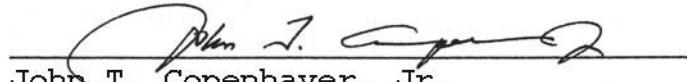
The court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings and recommendations to which no objection has been addressed. See Thomas v. Arn, 474 U.S. 140 (1985); see also 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."") (emphasis added). Failure to timely file objections constitutes a waiver of de novo review and the plaintiff's right to appeal the order of the court. See 28 U.S.C. § 636(b)(1); see also United States v. De Leon-Ramirez, 925 F.3d 177, 181 (4th Cir. 2019) (parties typically may not "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989). Objections in this case having been due on May 19, 2023, and none having been filed, this matter may be duly adjudicated.

Accordingly, it is ORDERED that: the proposed findings made in the magistrate judge's Proposed Findings and

Recommendation be, and hereby are, adopted by the court and incorporated herein; and this civil action be, and hereby is, dismissed from the docket of this court.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record, any unrepresented parties, and the United States Magistrate Judge.

ENTER: May 23, 2023



John T. Copenhaver, Jr.
Senior United States District Judge